

### **Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims:**

1. (Currently Amended) A method for modifying ~~[[a]]~~ an original marketing content stored within a memory of a Digital Video Recorder (DVR) comprising:

~~receiving sending, by a processor of a service provider,~~ a television program containing ~~[[an]]~~ the original marketing content from ~~[[a]]~~ the service provider, to a DVR;

~~storing the television program in the memory;~~

~~sending a user ID and a program ID to the service provider to cause a local marketing content, based upon the user ID and the program ID, to be sent to the DVR~~ receiving, by the processor, a user ID and a program ID from the DVR; and

responsive to receiving the user ID and the program ID at the processor, determining, by the processor, a location of the user by referencing a user profile associated with the user ID, and sending by the processor, a local marketing content to the DVR, wherein the local marketing content is based on the location of the user and the program ID

~~determining whether a local marketing content has been received at the DVR;~~

~~responsive to the determination that the local marketing content has been received at the DVR, creating a modified marketing by modifying the original marketing with the local marketing content; and~~

~~displaying the television program with the modified marketing upon a user request.~~

2. (Currently Amended) The method of claim 1 further comprising:

~~determining whether a message indicating that no local marketing content exists for the television program has been received; and~~

responsive to ~~[[the]]~~ a determination that ~~the message indicating that~~ no local marketing content exists for the television program ~~has been received, displaying, sending a message indicating that no local marketing content exists for the television program to the DVR with the original marketing upon the user request.~~

3. (Currently Amended) The method of claim [[2]] ~~1 further comprising:~~  
~~responsive to the determination that the local marketing content has been received,~~  
~~determining whether wherein the local marketing content is add-on marketing content; and~~  
~~responsive to the determination that the local marketing content is add-on marketing,~~  
~~creating the modified marketing by adding the add-on marketing into the television program~~  
~~without modifying the substance of original marketing.~~
4. (Currently Amended) The method of claim [[3]] ~~1 further comprising:~~  
~~responsive to the determination that a local marketing content has been received,~~  
~~determining whether wherein the local marketing content is a replacement marketing content;~~  
~~and~~  
~~responsive to the determination that the local marketing content is a replacement~~  
~~marketing content, creating the modified marketing content by replacing the original marketing~~  
~~content with the replacement marketing content.~~
5. (Currently Amended) The method of claim [[4]] ~~1 further comprising:~~  
~~responsive to the determination that a local marketing content has been received,~~  
~~determining whether the local marketing content is an overlay marketing content; and~~  
~~responsive to the determination that the local marketing content is an overlay marketing,~~  
~~creating the modified marketing by placing the overlay marketing over the original marketing.~~
6. (Currently Amended) A method for modifying a marketing content stored within a memory of a Digital Video Recorder (DVR) comprising:  
responsive to a processor of the DVR storing a television program having the marketing content, in the memory, sending, by the processor of the DVR, a user ID and a program ID to a service provider;  
responsive to receiving, by the processor, a local marketing content from a service provider in response to sending the user ID and the program ID, replacing the marketing content with the local marketing content in the memory  
~~receiving a user ID and a program ID;~~  
~~determining the location of a user based on the user ID;~~

~~determining whether a local marketing content exists for a television program based on the program ID; and~~

~~responsive to the determination that the local marketing content does exist, sending the local marketing content to the DVR.~~

7. (Currently Amended) The method of claim 6 further comprising: responsive to ~~[[the]]~~ a determination by the service provider that the local marketing content does not exist, ~~[[sending]]~~ receiving a message from the service provider at ~~[[to]]~~ the DVR indicating that there is not any local marketing content.

8. (Currently Amended) The method of claim 7 wherein the location of the user is determined by cross-referencing the user ID with an information stored in a user profile associated with the user ID.

9. (Currently Amended) The method of claim 8 wherein the local marketing content is an add-on marketing content.

10. (Currently Amended) The method of claim 8 wherein the local marketing content is a replacement marketing content.

11. (Currently Amended) The method of claim 8 wherein the local marketing content is an overlay marketing content.

12. (Currently Amended) An apparatus, ~~for modifying a marketing stored within a memory of a Digital Video Recorder (DVR)~~ comprising:

a Digital Video Recorder (DVR) connected to a network;

a storage medium in the DVR;

wherein the storage medium comprises a plurality of instructions stored in the storage medium, configured to run on a processor of the DVR for a processor to perform actions to perform steps comprising:

receiving a television program containing an original marketing content from a  
 the service provider;  
 storing the television program in the memory;  
responsive to the processor storing the television program in the memory,  
sending, by the processor, a user ID and a program ID to the service provider;  
responsive to receiving a local marketing content from the service provider at  
DVR,  
~~sending a user ID and a program ID to the service provider to cause a local~~  
~~marketing content, based upon the user ID and the program ID, to be sent to the DVR;~~  
~~determining whether [[a]] the local marketing content has been received;~~  
~~responsive to [[the]] a determination that the local marketing content has been~~  
~~received at the DVR,~~ creating a modified marketing content by modifying the original marketing  
 with the local marketing content, wherein the local marketing content is selected based on a  
location of the user determined by referencing a user profile associated with the user ID and on  
the program ID; and  
 displaying the television program with the modified marketing content upon a  
 user request.

13. (Currently Amended) The apparatus of claim 12 further comprising:  
 determining whether a message indicating that no local marketing content exists for the  
 television program has been received; and  
 responsive to [[the]] a determination that the message indicating that no local marketing  
 content exists for the television program has been received, displaying the television program  
 with the original marketing content upon the user request.

14. (Currently Amended) The apparatus of claim 12 further comprising:  
 responsive to [[the]] a determination that the local marketing content has been received,  
 determining whether the local marketing content is add-on marketing content; and  
 responsive to the determination that the local marketing content is add-on marketing  
content, creating the modified marketing content by adding the add-on marketing content into the  
 television program without modifying the substance of original marketing content.

15. (Currently Amended) The apparatus of claim 12 further comprising:  
responsive to ~~[[the]]~~ a determination that a local marketing content has been received,  
determining whether the local marketing content is a replacement marketing content; and  
responsive to the determination that the local marketing content is the replacement  
marketing content, creating the modified marketing content by replacing the original marketing  
content with the replacement marketing content.
16. (Currently Amended) The apparatus of claim 12 further comprising:  
responsive to ~~[[the]]~~ a determination that a local marketing content has been received,  
determining whether the local marketing content is an overlay marketing content; and  
responsive to the determination that the local marketing content is the overlay marketing  
content, creating the modified marketing content by placing the overlay marketing content over  
the original marketing content.
17. (Currently Amended) An apparatus, ~~for modifying a marketing stored within a memory~~  
~~of a Digital Video Recorder (DVR)~~ comprising:  
a processor of a service provider connected to a network;  
a storage medium connected to the processor;  
a plurality of instructions stored in the storage medium, the plurality of instructions  
configured to run on the processor to perform actions, wherein the storage medium comprises  
instructions for a service provider processor to perform steps comprising:  
receiving a user ID and a program ID from a DVR, wherein the user ID and the  
program ID are sent by the DVR to the processor when the DVR receives a television program  
and stores the television program in a memory of the DVR;  
determining, by the processor, ~~[[the]]~~ a location of a user based on a user profile  
associated with the user ID;  
determining, by the processor, whether a local marketing content exists for ~~[[a]]~~  
the television program based on the program ID and the user profile; and  
responsive to the determination that the local marketing content does exist,  
sending the local marketing content to the DVR.

18. (Currently Amended) The apparatus of claim 17 further comprising: responsive to [[the]] a determination that the local marketing content does not exist, sending a message to the DVR indicating that there is not any local marketing content.
19. (Currently Amended) The apparatus of claim 17 wherein the location of the user is determined by cross-referencing the user ID with an information stored in a user profile and associated with the user ID.
20. (Currently Amended) The apparatus of claim 17 wherein the local marketing content is an add-on marketing content.
21. (Currently Amended) The apparatus of claim 17 wherein the local marketing content is a replacement marketing content.
22. (Currently Amended) The apparatus of claim 17 wherein the local marketing content is an overlay marketing content.
23. (Canceled)